

### **REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendments to the claims and the following comments. The Office Action mailed April 29, 2005, raised several issues, which are addressed in order below.

#### **Restriction/Election of Species Requirements**

On page 2 of the Office Action mailed April 29, 2005, the Examiner set forth a restriction requirement, restricting the application to one of the two following inventions:

- I. Silicone compositions, classified in class 525, subclass 105 (claims 1-24).
- II. A golf ball, classified in class 473, subclass 371 (claims 25-32).

Applicants hereby confirm the prior oral election by the undersigned attorney of record of the invention of Group I. Claims 1-24 are readable on this elected invention.

On pages 2 and 3 of the Office Action, the Examiner set forth an election of species requirement, restricting the application to one of several species of crosslinkers, as specified in claims 9-12. In response, Applicants confirm the prior oral election by the undersigned attorney of record of a crosslinker species in the form of a precious metal. Applicants further confirm that claims 1-8, 10, and 13-24 are readable on this elected species.

Consequently, examination of this application proceeded for claims 1-8, 10, and 13-24. Remaining claims 9, 11, 12, and 25-32 were withdrawn from consideration, as drawn to a non-elected invention and non-elected species.

#### **The Rejection of Claims 7, 16, and 21 Under 35 U.S.C. § 112, Second Paragraph**

On page 4 of the Office Action, claims 7, 16, and 21 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specific features of each of these three claims were identified as allegedly indefinite.

In response to this rejection, Applicants have canceled all three of the rejected claims. For this reason, the § 112 rejection of claims 7, 16, and 21 should be withdrawn, as moot.

**The Rejection of Claims Based on 35 U.S.C. §§ 102(b)/103(a)**

On pages 4-7 of the Office Action, claims 1-24 were rejected as follows:

- Claims 1, 2, 4-8, 10, 13, 15, 16, 18, 21, and 24 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a), as allegedly obvious over, U.S. Patent No. 5,648,426 to Zolotnitsky (the "Zolotnitsky patent").
- Claims 1, 3-8, 13-16, 18, 21, and 24 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a), as allegedly obvious over, U.S. Patent No. 4,618,644 to Liu (the "Liu patent").
- Claims 1, 3-7, 13, 14, 16-18, and 24 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a), as allegedly obvious over, U.S. Patent No. 6,103,375 to Birnholz et al. (the "Birnholz patent").
- Claims 1-8, 13-19, and 24 were rejected under 35 U.S.C. § 102(e), as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a), as allegedly obvious over, U.S. Patent Application Publication No. 2002/0187857 to Kuntimaddi et al. (the "Kuntimaddi publication").
- Claims 1, 3-8, 10, 13-18, and 24 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a), as allegedly obvious over, U.S. Patent No. 5,733,977 to Takamura et al. (the "Takamura patent").
- Claims 18-24 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over the Zolotnitsky patent, the Kuntimaddi publication, or the Takamura patent in view of a publication to Matthews entitled "Polymer Mixing Technology (the "Polymer Mixing publication").

Applicants respectfully traverse these rejections for the reasons set forth below.

By this Amendment, Applicants have amended independent claim 1 to incorporate features previously set forth in dependent claims 7, 8, 10, and 17, and these dependent claims have been canceled. As amended, independent claim 1 defines a golf ball incorporating a composition including (1) a non-silicone material; (2) a silicone material; and (3) a crosslinking agent, wherein the non-silicone material is defined to be selected from a specified group that *excludes* diene-based materials, and wherein the crosslinking agent is defined to be a precious metal selected from a specified group (i.e., rhodium, ruthenium,

palladium, osmium, iridium, and platinum). Further, the composition is defined to have either an interpenetrating network structure or a thermoplastic vulcanizate structure.

As amended, independent claim 1 defines a golf ball having features that are not shown or suggested by any of the cited references, including all of the references expressly identified above.

Specifically, amended independent claim 1 now defines the specified composition to be part of a "golf ball," as previously recited in claim 17. In the Office Action, the Examiner implicitly acknowledged that the cited Zolotnitsky and Liu patents fail to show or suggest such a golf ball.

Further, amended independent claim 1 now defines the composition's crosslinking agent to be a particular precious metal, as previously recited in claim 10. In the Office Action, the Examiner implicitly acknowledged that the cited Birnholz patent and the Kuntimaddi publication fail to show or suggest such a composition.

Further, amended independent claim 1 now defines the composition's non-silicone material to be selected from the group consisting of urethanes, polyepoxides, polyesters, polyamides, polyimides, phenolics, sulfides, acrylics, poly (meth)acrylates, poly (2,6-dimethyl-1,4-phenyleneoxide), polycarbonates, styrene-ethylene-butylene-styrene (SEBS) block copolymers, polyolefins, polyacetals, polyolefin elastomers, polyamide-polyether elastomer base resins, copolymeric ionomers, terpolymeric ionomers, epoxides, imides, and mixtures thereof. This listing *excludes* the kinds of non-silicone materials disclosed in the cited Takemura patent, which are all *diene*-based materials.

Independent claim 1, as amended, now defines a golf ball incorporating a composition that is not shown or suggested in any of the cited references. For this reason, the outstanding § 102 and § 103 rejections of claim 1 should now be withdrawn.

Remaining claims 2-6 and 13-15 all depend from amended independent claim 1, adding structural features that further distinguish over the cited references. For this reason, and for the reasons set forth above with respect to claim 1, the outstanding § 102 and § 103 rejections of claims 2-6 and 13-15 should now be withdrawn.

**Amendment to Title of the Invention**

Also by this Amendment, Applicants have amended the Title of the Invention to reflect the amendment to independent claim 1 to define a golf ball incorporating a particular composition and also to reflect the cancellation of method claims 18-24. As amended, the Title of the Invention now reads "Golf Ball Incorporating a Polymer Network Comprising Silicone."

**Identification of Inventors**

Applicants note that they have not yet received a corrected filing receipt following their request for such dated March 8, 2004. The corrected filing receipt mailed February 11, 2004, incorrectly identified the city of residence of the first-named inventor as "Carisbad, CA." The correctly named city of residence is "Carlsbad, CA." Issuance of a further corrected filing receipt is respectfully requested.

**Conclusion**

This application should now be in condition for allowance of claims 1-6 and 13-15. Issuance of a notice of allowance is respectfully requested. If the Examiner believes that a telephone conference with the Applicants' undersigned attorney of record might expedite the prosecution of this application, he is invited to call at the telephone number indicated below. Any additional fees due in connection with the filing of this Amendment should be charged to Deposit Account No. 19-1853.

Respectfully submitted,

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